

SAMPLE
DECREE OF DIVORCE
CHILDREN, SUPPORT AND SPOUSAL SUPPORT

COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
HAMILTON COUNTY, OHIO

Name: _____ : Case No. _____
Petitioner : File No. _____
: CSEA AA# _____

-VS-

Name: _____ :
Petitioner : **DECREE OF DIVORCE**

This cause came on to be heard on _____, 20_____, on the Complaint for Divorce of Mary A. Smith and John R. Smith. The Court finds that there has been service of summons as provided by law, that both parties appeared personally at the hearing, that Plaintiff, was/was not represented by counsel and Defendant, was/was not represented and waived his/her right to counsel, and the Court finds that it has full and complete jurisdiction to determine the case.

The Court finds that the Plaintiff has been a resident of the State of Ohio for at least six (6) months immediately before filing the complaint and that the Plaintiff and Defendant were married in Cincinnati, Ohio on February 14, 1990 and that there were two children born issue of their marriage, namely: Susan, born April 12, 1992 and Bradley, born December 10, 1994 and Wife is not now pregnant with a child of the marriage.

The Court further finds that both the Plaintiff and Defendant have acknowledged under oath that they have voluntarily entered into the Separation Agreement appended to the Complaint, that they understand the terms of the Agreement, and know the value and extent of their properties, that the Agreement is fair to them.

The Court further finds that the Separation Agreement is fair and equitable and should be approved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that a Decree of Divorce shall be granted to the Plaintiff, and/or Defendant, then the marriage relationship existing between the parties be terminated and held for naught and both parties are hereby released and discharged from all obligations thereon.

IT IS FURTHER ORDERED THAT THE AFOREMENTIONED Separation Agreement, which is attached hereto, be and the same hereby is incorporated into the Court's order and a part of the Decree of Divorce as if fully rewritten herein.

The Court finds that the parties are incompatible, and that Plaintiff is entitled to a divorce as prayed for in the Complaint.

The Court further finds that _____(Obligor) is employed as set forth in the affidavit previously filed herein, said affidavit being incorporated herein by reference.

IT IS FURTHER ORDERED, that the Plaintiff, is the **residential parent and legal custodian** of the minor children, Susan and Bradley, and the Defendant shall have parenting time with such minor children in accordance with the Court's Standard Parenting Order, a copy of which is attached hereto.

IT IS FURTHER ORDERED, that Defendant (Obligor) shall pay as and for the support of the minor children Susan and Bradley the sum of One Hundred Eight and 33/100 (\$108.33) Dollars **per month per child**, total, Two Hundred Sixteen and 66/100 (\$216.66) Dollars **per month**. **[Note: Appropriate language providing for the termination of child support when a minor child passes the age of majority (“emancipation language”) is required in every decree of divorce or dissolution in which child support is ordered, as well as in every shared parenting plan. The current law regarding termination of child support after the age of majority is found in Ohio Revised Code 3109.05(E). In any case containing a shared parenting plan, the emancipation language in the shared parenting plan and the emancipation language in the decree must be identical. An example of acceptable emancipation language is: Notwithstanding section 3109.01 of the Revised Code, the parental duty of support to children, including the duty of a parent to pay support pursuant to a child support order, shall continue beyond the age of majority as long as the child continuously attends on a full-time basis any recognized and accredited high school or a court-issued child support order provides that the duty of support continues beyond the age of majority. Except in cases in which a child support order requires the duty of support to continue for any period after the child reaches age nineteen, the order shall not remain in effect after the child reaches age nineteen. The duty of support shall continue during seasonal vacations.]**

This support order amount is the same as that indicated on the support worksheet attached hereto.

This support order amount is different from that indicated on the support worksheet because (state reason)_____. The worksheet is attached hereto.

Defendant(Obligor) shall also pay to Plaintiff as and for spousal support the sum of Fifty (\$50.00) Dollars per month for a period of 24 months or until death of either of them or obligee's remarriage, whichever occurs first at which time sustenance alimony shall terminate absolutely.

Said orders shall be effective_____. All payments shall be made through the Division of Child Support of the Department of Human Services plus a processing charge. All payments in satisfaction of said obligations which are not made through the Division of Child Support of the Department of Human Services may be deemed gifts.

All child support and spousal support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with Chapters 3119, 3121, 3123, and 3125 of the Revised Code or a withdrawal directive issued pursuant to sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the obligee in accordance with Chapters 3119, 3121, 3123, and 3125 of the Revised code.

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER’S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY CHILD SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER’S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

Husband and/or Wife shall maintain health insurance for the minor children.

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Plaintiff	Judge
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Attorney for Plaintiff	Defendant
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	Attorney for Defendant

FORMS AND DOCUMENTS NEEDED

- Original Decree and Separation Agreement
- Certified Copies of Decree and Separation Agreement
- 2 Extra Copies of Decree and Separation Agreement (for our files)

ATTACHMENTS

1. Support worksheet (attach to all decrees)
2. Deduction Order (if payor is employed - 4047 & 4048 (replaces 7.8))
(if payor is unemployed - 7.10)
3. Qualified Medical Child Support Order - 7.17 (no insurance 7.20)
4. Health Care Verification - 7.21
5. IV-D Application - 7076
6. New Account Data Form - 7.4
7. Court's Standard Parenting Order (attach to all decrees)

Do NOT tear apart forms of numbers 2 and 3

Paper clip numbers 4, 5 and 6 to extra copy of Decree

IF PARTIES HAVE SHARED PARENTING, DECREE NEEDS

- Court approved Shared Parenting Plan
- Final Decree of Shared Parenting must be costed out like the Decree, order
final Decree of Shared Parenting. certified copies of plan and